

REMARKS

Applicants propose amending claims 7, 8, 9, 37, 38, 39, 42, 43, 44, 45, 46, and 48, and canceling claims 6 and 36 without prejudice or disclaimer. Upon entry of this Amendment, claims 7-12 and 37-48 will be pending in this application.

In the Final Office Action,¹ the Examiner rejected claims 6-12 and 36-48 under 35 U.S.C. § 112, second paragraph; and rejected claims 6-8, 36-38, 42-46, and 48² under 35 U.S.C. § 103(a) as being unpatentable over Du et al. (U.S. Patent No. 6,041,306) in view of Sanders (U.S. Patent No. 6,411,936). The Examiner also indicated that claims 9-12, 39-41, and 47 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, and if rewritten in independent form to include all of the limitations of the base claims and any intervening claims. Applicants appreciate the Examiner's indication of allowable subject matter in this case.

Although Applicants respectfully traverse the rejection of claims 6-12 and 36-48 under 35 U.S.C. § 112, second paragraph, Applicants have proposed rewriting the phrase "wherein identifying a follow up situation" to provide further clarity. In particular, claims 6 and 36 are proposed to be canceled and claims 9 and 39 are proposed to be rewritten in independent form and recite "identifying a follow-up situation that considers any feedback provided by a consumer of the generated recommendation." Accordingly, the Examiner should withdraw the rejection of 6-12 and 36-48 under 35 U.S.C. § 112, second paragraph.

¹ The Final Office Action contains statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

² The Examiner did not include claim 48 in paragraph 6 on page 3 of the Final Office Action, but based on the rejection of the claim on page 4, the omission appears to have been a typographical error.

Applicants respectfully traverse the rejection of claims 6-8, 36-38, 42-46, and 48³ under 35 U.S.C. § 103(a) as being unpatentable over Du et al. in view of Sanders. However, in an effort to expedite prosecution in this case, Applicants have proposed to cancel independent claims 6 and 36 and have proposed to rewrite independent claims 9 and 39 in a form that the Examiner deemed allowable. Applicants have proposed to amend independent claim 48 to include recitations similar to those of allowable independent claims 9 and 39. Furthermore, Applicants have proposed to amend claims 7, 8, 37, 38, and 42-45 to depend directly or indirectly from one of allowable independent claims 9 and 39. By virtue of the proposed amendments, claim 45 will depend indirectly from allowable claim 9 as well. Accordingly, the rejection of the claims under 35 U.S.C. § 103(a) is moot, and Applicants request that the Examiner withdraw the rejection.

As discussed above, Applicants propose rewriting claims 9 and 39 in independent form and amending independent claim 48 to include recitations similar to those of allowable independent claims 9 and 39. Upon entry of the proposed amendments, dependent claims 7, 8, 9-12, 37, 38, and 40-47 will depend directly or indirectly from allowable independent claims 9 and 39. Therefore, Applicants submit that claims 7-12 and 37-48 are in *prima facie* condition for allowance and the Examiner should allow the claims.

³ The Examiner did not include claim 48 in paragraph 6 on page 3 of the Final Office Action, but based on the rejection of the claim on page 4, the omission appears to have been a typographical error.

CONCLUSION

Applicants respectfully request that the Examiner enter this Amendment under 37 C.F.R. § 1.116, placing claims 7-12 and 37-48 in condition for allowance. Applicants submit that the proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

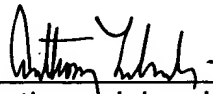
In view of the foregoing remarks, Applicants request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 3, 2006

By: 

Anthony J. Lombardi
Reg. No. 53,232